

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: May 21, 2019
JUDGE: Pamela Pepper
CASE NO: 2009-cv-1033
CASE NAME: Robert Stinson v. City of Milwaukee, et al.
NATURE OF HEARING: Status Conference (Telephonic)
APPEARANCES: Heather Lewis Donnell – Attorney for the plaintiff
Gayle Horn – Attorney for the plaintiff
Jason Franckowiak – Attorney for defendant Johnson
W. Patrick Sullivan – Attorney for defendant Rawson
Jan Smokowicz – Attorney for City of Milwaukee and defendant
Gauger
COURTROOM DEPUTY: Kristine Wilson
TIME: 4:33 p.m. to 5:14 p.m.
HEARING: Status Conference (Telephonic) set for May 28, 2019 at 1:30 p.m.

AUDIO OF THIS HEARING AT DKT. NO. 304

The court recounted that it had conducted a status conference on May 10, 2019. Since then, it had resolved the plaintiff's motion to enforce his trial subpoena through an order issued on May 14, 2019. Dkt. No. 301. The court had scheduled this hearing to discuss whether the City needed time to respond to the plaintiff's motion for limited discovery and request for a jury instruction on spoliation.

Counsel for the City reported that Robert Menzel is name of the person at the City on whom the plaintiff can serve his subpoena (if necessary), and also opined that if anyone at the City had information about what had happened to the missing overlays and wax bites, it would be Menzel.

Counsel for the plaintiff advised that the parties would be taking defendant Johnson's trial testimony next week—June 3 and June 4. Counsel asked that, by the end of this week, the City produce all inventory logs from 2012 to the present. Counsel also advised the court and the parties that she had been communicating with the Wisconsin State Crime Lab to obtain any similar records the lab might have.

Counsel for defendant Johnson told the court that he would be meeting with his client tomorrow and agreed to ask whether defendant Johnson has any records regarding the receipt or transfer of the bite mark evidence.

The court clarified that it was not ruling today on the plaintiff's request for a spoliation instruction, opining that it did not have enough information to rule on such a motion.

The court **ORDERS** that by the end of the day on **Friday, May 24, 2019**, counsel for the City, counsel for defendant Johnson and counsel for the plaintiff shall make efforts to determine what documents or records exist regarding the movements of the bite mark evidence since 2012, and share those documents with the other parties.

The court **ORDERS** that the parties must appear for a status conference on Tuesday, **May 28, 2019, at 1:30 p.m.** Parties wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using access code 4893665#.

Dated in Milwaukee, Wisconsin this 21st day of May, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge